

**MYERS BIGEL SIBLEY & SAJOVEC, P.A.**  
**Patent Attorneys**  
**4140 Parklake Avenue, Suite 600, Raleigh, NC 27612**

or  
P.O. Box 37428  
Raleigh, NC 27627  
919-854-1400  
Facsimile 919-854-1401

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**FACSIMILE TRANSMISSION  
COVER SHEET**

Legal Staff  
International Division

**Date:** December 6, 2005 **Attorney Docket No.:** 9052-88  
**To:** Commissioner for Patents  
**Fax:** PCT Legal Office (571)-273-0459  
**From:** Amelia Tauchen for Shawna Cannon Lemon, Esq.

**Number of Pages:** 66

If there is a problem with this transmission, please call (919) 854-1400. Our fax number is (919) 854-1401.

---

**RE:** Application of John Findlay  
09/913,522; Filed November 8, 2001  
*Modified Calcyins*

**Message:** Pursuant to my telephone conversation with Paul Bell of the PCT Help Desk on November 29, 2005, enclosed is a copy of the Petition to Withdraw Holding of Abandonment filed on May 9, 2005 in connection with the above application.

Also enclosed are:

1. A copy of the return postcard filed with the May 9 petition bearing an OIPE stamp of May 9, 2005, indicating receipt in the USPTO.
2. Confirmation printed from the U.S. Postal Service website indicating that this petition was delivered on May 10, 2005 and signed for by S. Dyar.
3. A copy of the Express Mail Label for the May 9 Petition (EV675782761US)

**CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office PCT Legal Department via facsimile number 571-273-0459 on December 6, 2005.

  
Amelia Tauchen; Date of Signature: December 6, 2005

**Confidentiality Note**

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby prohibited. If you have received this telecopy in error, please immediately notify us by telephone and return the original message to us at the address above via the United States Postal Service. THANK YOU.

EV 675782761 US

SCL:sef

9052-88  
May 9, 2005

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:

Photocopy-Notification of Abandonment; Petition to Withdraw Holding of  
Abandonment Under 37 C.F.R. §1.181(a) and Statement of Support; Attachments A-L;  
In re: Findlay; Serial No. 09/13,522; Filed Nov. 8, 2001 For: MODIFIED  
CALYCINS



Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC

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## Track & Confirm

### Search Results

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 <b>EV 675782761 US</b>		<b>Customer Copy</b> <small>Label 11-F, April 2004</small>																																									
<p style="text-align: center;"><b>EXPRESS MAIL</b></p> <p style="text-align: center;"><b>UNITED STATES POSTAL SERVICE®</b></p> <p style="text-align: right;"><b>Post Office To Addressee</b></p>																																											
<table border="1"> <thead> <tr> <th colspan="2">DELIVERY (POSTAL USE ONLY)</th> <th colspan="2">RECEIPT (POSTAL USE ONLY)</th> </tr> <tr> <th>Delivery Attempt</th> <th>Time</th> <th>AM</th> <th>Employee Signature</th> </tr> </thead> <tbody> <tr> <td>Mo. Day</td> <td></td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Delivery Attempt</td> <td>Time</td> <td><input type="checkbox"/></td> <td>Employee Signature</td> </tr> <tr> <td>Mo. Day</td> <td></td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td>Delivery Date</td> <td>Time</td> <td><input type="checkbox"/></td> <td>Employee Signature</td> </tr> <tr> <td>Mo. Day</td> <td></td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td colspan="4"> <input type="checkbox"/> I AGREE TO PAY FOR THIS MAIL AT THE TIME OF DELIVERY OR AT THE TIME OF RECEIPT. I UNDERSTAND THAT I AM RESPONSIBLE FOR PAYING FOR THIS MAIL WHETHER OR NOT IT IS DELIVERED. I ALSO AGREE THAT I WILL BE HELD LIABLE FOR ANY DAMAGE TO THIS MAIL. I FURTHER AGREE THAT I WILL NOT HOLD THE UNITED STATES POSTAL SERVICE OR ANY OF ITS EMPLOYEES LIABLE FOR ANY LOSS OR DAMAGE TO THIS MAIL. I FURTHER AGREE THAT I WILL NOT FILE A CLAIM AGAINST THE UNITED STATES POSTAL SERVICE OR ANY OF ITS EMPLOYEES FOR ANY LOSS OR DAMAGE TO THIS MAIL.         </td> </tr> <tr> <td colspan="2">NO. DELIVERY (Weekend) <input type="checkbox"/></td> <td colspan="2">HOLIDAY <input type="checkbox"/></td> </tr> <tr> <td colspan="4"> <small>Customer Signature &amp; Date (If delivery made without signature)</small> </td> </tr> </tbody> </table>				DELIVERY (POSTAL USE ONLY)		RECEIPT (POSTAL USE ONLY)		Delivery Attempt	Time	AM	Employee Signature	Mo. Day		<input type="checkbox"/>		Delivery Attempt	Time	<input type="checkbox"/>	Employee Signature	Mo. Day		<input type="checkbox"/>		Delivery Date	Time	<input type="checkbox"/>	Employee Signature	Mo. Day		<input type="checkbox"/>		<input type="checkbox"/> I AGREE TO PAY FOR THIS MAIL AT THE TIME OF DELIVERY OR AT THE TIME OF RECEIPT. I UNDERSTAND THAT I AM RESPONSIBLE FOR PAYING FOR THIS MAIL WHETHER OR NOT IT IS DELIVERED. I ALSO AGREE THAT I WILL BE HELD LIABLE FOR ANY DAMAGE TO THIS MAIL. I FURTHER AGREE THAT I WILL NOT HOLD THE UNITED STATES POSTAL SERVICE OR ANY OF ITS EMPLOYEES LIABLE FOR ANY LOSS OR DAMAGE TO THIS MAIL. I FURTHER AGREE THAT I WILL NOT FILE A CLAIM AGAINST THE UNITED STATES POSTAL SERVICE OR ANY OF ITS EMPLOYEES FOR ANY LOSS OR DAMAGE TO THIS MAIL.				NO. DELIVERY (Weekend) <input type="checkbox"/>		HOLIDAY <input type="checkbox"/>		<small>Customer Signature &amp; Date (If delivery made without signature)</small>			
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<b>ORIGIN (POSTAL SERVICE USE ONLY)</b> <b>PO ZIP Code</b> <b>27622</b> <b>Date Accepted</b> <b>5/7/05</b> <b>Mo. Day Year</b> <b>Time Accepted</b> <b>5:34 PM</b> <b>Flat Rate <input type="checkbox"/> or Weight</b> <b>12.00 lbs.</b>		<b>Day of Delivery</b> <input checked="" type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 3rd Del. Day <b>Scheduled Date of Delivery</b> <b>Return Receipt Fee</b> <b>Month Day</b> <b>\$</b> <b>Scheduled Time of Delivery</b> <b>COD Fee</b> <b>Insurance Fee</b> <input type="checkbox"/> Noon <input type="checkbox"/> 9 PM <b>\$</b> <b>\$</b> <b>Military</b> <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day <b>Total Postage &amp; Fees</b> <b>Intl Alpha Country Code</b> <b>Acceptance Emp. Initials</b>																																									
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<b>FROM: (PLEASE PRINT)</b> <b>PIYON'S GIGEL SISTER &amp; SONS INC</b> <b>P.O. BOX 37438</b> <b>KALELON</b> <b>NC 27027-1426</b>  <b>9052.88 SCL:Sef</b>		<small>Federal Agency Acct. No. or Postal Service Acct. No.</small>  <b>TO: (PLEASE PRINT)</b> <b>Mail Stop Petitions</b> <b>Commissioner for Patents</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>																																									
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Attorney Docket No.: 9052-88

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
For: *MODIFIED CALYCINS*

Confirmation No. 9501

May 9, 2005

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. § 1.181(a) AND STATEMENT OF SUPPORT**

Sir:

Please consider this Petition to Withdraw Holding of Abandonment under 37 C.F.R. §1.181(a) for the above-referenced application in light of the supporting facts and statements presented below.

- (1) The present application was filed on August 13, 2001.
- (2) A Notification of Missing Requirements was issued by the U.S. Patent and Trademark Office ("USPTO") on October 9, 2001.
- (3) On December 10, 2001 (Monday), Petitioner filed a Submittal of Declaration Under 37 C.F.R. §1.63), a Declaration and Power of Attorney for Patent Application and a return receipt postcard (copies attached as Exhibit A). On January 16, 2002, Petitioner received the return receipt postcard bearing an OIPE stamp of January 8, 2002, indicating official receipt of the above-mentioned papers at the USPTO on January 8, 2002 (a copy is attached as Exhibit B).
- (4) A Notice of Acceptance of Application and a Filing Receipt were issued by the USPTO on January 28, 2002.
- (5) A Withdrawal of Previously Sent Notice and a second Notification of Missing Requirements were issued by the USPTO on February 27, 2002.
- (6) On April 29, 2002 (Monday), Petitioner filed a Statement In Support of Filing a Sequence Listing Under 37 CFR §1.821(f), including a sequence listing in both paper and computer readable format, and a postcard receipt (copies

In re: Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Page 2

attached as Exhibit C). On May 17, 2002, Petitioner received the return receipt postcard bearing an OIPE stamp of May 7, 2002, indicating official receipt of the above-mentioned papers at the USPTO on May 7, 2002 (a copy is attached as Exhibit D).

- (7) A Notification of Defective Response was issued by the USPTO on July 30, 2002, indicating that the computer readable form of the sequence listing was found to be damaged or unreadable, and requesting submission of a substitute computer readable form of the sequence listing.
- (8) On August 7, 2002, Petitioner filed a Statement In Support of Filing a Substitute Sequence Listing Under 37 CFR §1.821(f), including a substitute sequence listing in both paper and computer readable format, and a postcard receipt (copies attached as Exhibit E). On August 21, 2002, Petitioner received the return receipt postcard bearing an OIPE stamp of August 12, 2002, indicating official receipt of the above-mentioned papers at the USPTO on August 12, 2002 (a copy is attached as Exhibit F).
- (9) A Notification of Defective Response was issued by the USPTO on October 17, 2002, indicating that the computer readable form of the sequence listing was found to be damaged or unreadable, and requesting submission of a substitute computer readable form of the sequence listing.
- (10) On October 24, 2002, Petitioner filed a Statement In Support of Filing a Substitute Sequence Listing Under 37 CFR §1.821(f), including a substitute sequence listing in both paper and computer readable format, and a postcard receipt (copies attached as Exhibit G). On November 3, 2002, Petitioner received the return receipt postcard bearing an OIPE stamp of October 29, 2002, indicating official receipt of the above-mentioned papers at the USPTO on October 29, 2002 (a copy is attached as Exhibit H).
- (11) A Status Inquiry was filed by Petitioner on April 25, 2003. No response was received from the USPTO.
- (12) A Notification of Defective Response was issued by the USPTO on June 22, 2004, indicating that the computer readable form of the sequence listing was

In re: Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Page 3

found to be damaged or unreadable, and requesting submission of a substitute computer readable form of the sequence listing.

- (13) On July 21, 2004, Petitioner filed a Response Under 37 CFR 1.825(d) and Statement In Support of Filing a Substitute Sequence Listing Under 37 CFR §1.821(f), including a substitute sequence listing in both paper and computer readable format, and a postcard receipt (copies attached as Exhibit I). On July 26, 2004, Petitioner received the return receipt postcard bearing an OIPE stamp of July 21, 2004, indicating official receipt of the above-mentioned papers at the USPTO on July 21, 2004 (a copy is attached as Exhibit J).
- (14) A Notice Under 37 CFR 1.251 was issued by the USPTO on January 24, 2005, indicating that the USPTO was unable to locate the file and was initiating a reconstruction of the file.
- (15) On January 31, 2005, Petitioner mailed an executed copy of the Notice Under 37 CFR §1.251, a complete photocopy of the file history of the application, and a postcard receipt (photocopies of the Notice and postcard only attached as Exhibit K). On February 7, 2005, Petitioner received the return receipt postcard bearing an OIPE stamp of February 2, 2005, indicating official receipt of the above-mentioned papers at the USPTO on February 2, 2005 (a copy is attached as Exhibit L).
- (16) On April 5, 2005, a Notice of Abandonment for lack of reply to the Office Action issued, and was received at our office on April 21, 2005.

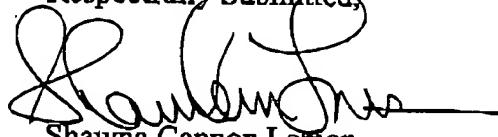
The Notice of Abandonment states: "Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed February 27, 2002 within the time period set therein." However, as evidenced above, Petitioner replied to each paper issued by the USPTO within the time period set. Each action taken by the Petitioner was a *bona fide* attempt to respond to the communications received from the USPTO. Thus, Petitioner requests that the above-identified application be restored to active status for at least the reasons discussed above, and that a Withdrawal of the Notice of Abandonment be sent to the undersigned attorney via facsimile at the earliest possible opportunity. The USPTO is encouraged to contact the undersigned attorney by telephone

In re: Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Page 4

should any further matters need to be addressed. This Action is being promptly taken after receiving the Notice of Abandonment.

Petitioner believes that no fee is due. However, the Commissioner is authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 50-0220.

Respectfully Submitted,



Shawna Cannon Lemon  
Registration No. 53,888

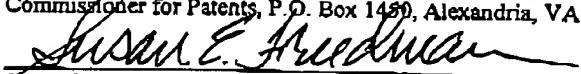
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
Telephone: (919) 854-1400  
Facsimile: (919) 854-1401  
Customer No. 20792

**CERTIFICATE OF EXPRESS MAILING**

Express Mail Label No. EV 675782761 US

Date of Deposit: May 9, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Susan E. Freedman  
Date of Signature: May 9, 2005



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER OF PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**COPY**

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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09/913,522

John Findlay

9052.88

INTERNATIONAL APPLICATION NO.

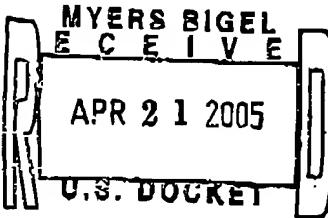
PCT/GB00/00517

I.A. FILING DATE	PRIORITY DATE
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02/17/2000

02/18/1999

20792  
 MYERS BIGEL SIBLEY & SAJOVEC  
 PO BOX 37428  
 RALEIGH, NC 27627



CONFIRMATION NO. 9501

371  
 ABANDONMENT/TERMINATION  
 LETTER



OC000000015660695

Date Mailed: 04/05/2005

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 02/27/2002 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

**PART 3 - OFFICE COPY**

FORM PCT/DO/EO/909 (371 Abandonment Notice)

Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Title: *Modified Calcyins*

Confirmation No.: 9501  
Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## Exhibit A

Commis. for Patents  
Washington, DC 20231

RJS/kbc Dr. 12/10/01  
Dc 9052-88  
Serial No. 09/913,522  
Inventor: Findley

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailer.

Application Transmittal and:  Check \$ 65.00  
 Specification pages  IDS & PTO-1449 & refs.  
 No. of Claims  Amendment & Amend. Transmittal  
 Declaration & POA  Preliminary Amendment  
 Assignment and Fee  Issue Fee  
 Small Entity Statement  Brief  
 Formal Drawings/ sheets  Appeal  
 Associate Power of Attorney  Submittal of Priority Doc.  
 Exp. Mail  1st Class Mail

Other: *[Handwritten signature]*

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

Attorney Docket No. 9052-88

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
Filed: August 13, 2001  
For: MODIFIED CALYCINS

Examiner: Unknown  
Group Art Unit: Unknown

Date: December 10, 2001

BOX MISSING PARTS  
Commissioner for Patents  
Washington, DC 20231

SUBMITTAL OF DECLARATION  
UNDER 37 C.F.R. § 1.63

Sir:

Enclosed is a Declaration and Power of Attorney for the above-identified application that has been executed by the named inventors.

A check in the amount of \$130.00 is enclosed to cover the filing fee and the surcharge under 37 C.F.R. § 1.16(e). Any additional fee or credit may be charged to our Deposit Account No. 50-0220.

Customer Number:



20792

Respectfully submitted,

Robert J. Smith  
Registration No. 40,820

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, DC 20231, on December 10, 2001

Evelyn B. Casey  
Date of Signature: December 10, 2001

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

Attorney Docket No. 9052-88

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **MODIFIED CALYCINS**,

the specification of which

 is attached hereto

OR

 was filed on August 13, 2001 as United States Application No.09/913,522.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

PCT/GB00/00517	GB	02/17/2000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
Number	Country	MM/DD/YYYY Filed	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

None	
Application Number(s)	Filing Date (MM/DD/YYYY)

Application Number(s)	Filing Date (MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application (37 C.F.R. § 1.63(d)).

None		
Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

Appln. Serial No.	Filing Date	Status Patented/Pending/Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following registered attorney(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

**Customer Number****\*20792\*****20792**

PATENT TRADEMARK OFFICE

Send correspondence to:

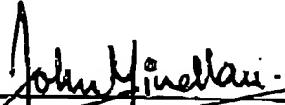
Robert J. Smith  
Myers Bigel Stroey & Sajovec  
Post Office Box 37428  
Raleigh, NC 27627

Direct telephone calls to:

Robert J. Smith  
(919)854-1400  
(919) 854-1401

Facsimile:

Full name of sole inventor: John Findlay

Inventor's  
Signature:

Date: 05/12/01

Residence

 Leeds, United Kingdom

Citizenship:

United Kingdom

Post Office Address:

Oakdene  
Newlay Wood Drive  
Horsforth  
Leeds LS18 4LL  
UNITED KINGDOM

Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
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Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

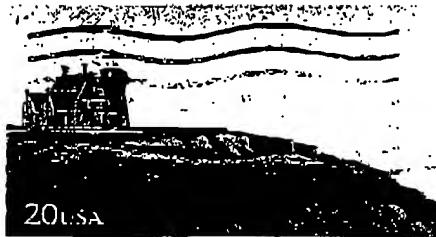
## Exhibit B

RJS/bbc  
Commissioner for Patents  
Washington, DC 20231

Date: 12/10/01  
Doc. No. 90521-88  
Serial No. 09/1913, 522  
Inventor: Findley

Sir: Kindly acknowledge receipt of the accompanying items listed below  
by placing your receiving stamp hereon and return mailing:  
 Application Transmittal and 1 P E  Check 5 111 105.00  
 Specification pages  IDS & PTO-1449 & refs.  
 No. of Claims  Amendment & Amend. Transmittal  
 Declaration & POA  Preliminary Amendment  
 Assignment and Fee  Issue Fee  
 Small Entity Statement  Brief  
 Formal Drawings/ 1 sheets  Appeal  
 Associate Power of Attorney  Submittal of Priority Doc.  
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JAN 8 2002  
Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant



MYERS BIGEL SIBLEY & SAJOVEC, P.A.

Patent Lawyers  
P.O. Box 37428  
Raleigh, NC 27627

01-15-02A-V3-127-0246

Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Confirmation No.: 9501  
Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Exhibit C**

9052.88/KAM.vp  
April 29, 2002

Commissioner for Patents  
Washington, DC 20231

Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:  
Re: Findlay; S/N 09/913,522; Filed 11/8/01

**STATEMENT IN SUPPORT OF FILING A SEQUENCE LISTING;  
SEQUENCE LISTING - HARDCOPY AND DISKETTE;  
REQUEST FOR APPROVAL OF DRAWING CORRECTIONS;  
ONE SHEET DRAWINGS (WITH CORRECTIONS IN RED INK);  
COPY-NOTIFICATION OF MISSING REQUIREMENT**

Respectfully,  
**MYERS BIGEL SIBLEY & SAJOVEC, P.A.**  
Attorneys for Applicant

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
For: *MODIFIED CALYCINS*

Examiner: Unknown  
Group Art Unit: 1614

April 29, 2002

Commissioner for Patents  
Washington, DC 20231

STATEMENT IN SUPPORT OF FILING A  
SEQUENCE LISTING UNDER 37 CFR § 1.821(f)

Sir:

A Notification of Missing Requirements (form PCT/DQ/EO/905, "the Notice") has been issued in the present case. A paper copy containing the sequence listing required by 37 C.F.R. §1.821(c) for nucleotide and peptide sequences described in the specification is submitted herewith. The sequences are also hereby provided in a computer readable form on computer diskette as required by 37 C.F.R. §§ 1.821(e) and 1.824. The Applicant has been directed to provide a statement attesting that the sequences contained in the computer readable form of the sequence listing are the same as the sequences set forth in the paper copy, and that no new matter has been added.

I hereby state as required by 37 C.F.R. § 1.821(f) that the content of the paper copy of the Sequence Listing and the computer readable copy are the same. I also hereby state as required by 37 C.F.R. §1.825(a) that the substitute sheets contain no new matter.

Respectfully submitted,

  
Karen A. Magri  
Registration No. 41,965

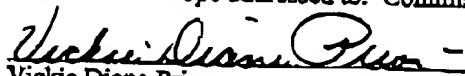


20792

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on April 29, 2002.

  
Vickie Diane Prior

Date of Signature: April 29, 2002

Murray, John  
Title: Modified Calcyclins  
Appl. No.: US 09/913,522  
Filing Date: November 8, 2001  
Date Recorded: April 25, 2002  
Computer: IBM NetVista  
Operating System: Windows 2000

Diskette Ref. No: 9052-88  
Applicants: Findlay, John  
Title: Modified Calcyclins  
Appl. No.: US 09/913,522  
Filing Date: November 8, 2001  
Date Recorded: April 25, 2002  
Computer: IBM NetVista  
Operating System: Windows 2000

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Findlay, John

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919-854-1401 MBS&S

NO. 3221 P. 24

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Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Title: *Modified Calcyins*

Confirmation No.: 9501  
Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## Exhibit D

Commissioner for Patents  
Washington, DC 20231



Sir: Kindly acknowledge receipt of the ~~application~~ by placing your receiving date stamp hereon and mailing:  
Re: Findlay; S/N 09/913,522; Filed 11/8/01

STATEMENT IN SUPPORT OF FILING A SEQUENCE LISTING;  
SEQUENCE LISTING - HARDCOPY AND DISKETTE;  
REQUEST FOR APPROVAL OF DRAWING CORRECTIONS;  
ONE SHEET DRAWINGS (WITH CORRECTIONS IN RED INK);  
COPY-NOTIFICATION OF MISSING REQUIREMENT

Respectfully, 1C20 Rec'd PCT/PTO 07 MAY 2002  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Title: *Modified Calcyins*

Confirmation No.: 9501  
Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Exhibit E**

9052.88/KAM:vp  
August 7, 2002

Commissioner for Patents  
Washington, DC 20231

Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing.  
Re: Findlay; S/N 09/913,522; Filed 11/8/01

**STATEMENT IN SUPPORT OF FILING A SUBSTITUTE  
SEQUENCE LISTING; SEQUENCE LISTING - HARDCOPY AND  
DISKETTE; COPY-NOTIFICATION OF DEFECTIVE  
RESPONSE**

Respectfully,  
**MYERS BIGEL SIBLEY & SAJOVEC, P.A.**  
Attorneys for Applicant



Attorney Docket No. 9052-88

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
For: *MODIFIED CALYCINS*

Examiner: Unknown  
Group Art Unit: 1614

August 7, 2002

Commissioner for Patents  
Washington, DC 20231

STATEMENT IN SUPPORT OF FILING A  
SUBSTITUTE SEQUENCE LISTING UNDER 37 CFR § 1.821(f)

Sir:

I hereby state that the content of the paper and computer readable copies of the Substitute Sequence listing, submitted concurrently herewith in accordance with 37 CFR§ 1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

Respectfully submitted,



Karen A. Magni  
Registration No. 41,965

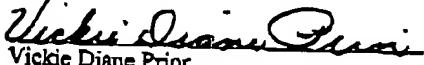


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PATENT TRADEMARK OFFICE

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on August 7, 2002.



Vickie Diane Prior

Date of Signature: August 7, 2002

Diskette Ref. No: 9052.88  
Applicant: Findlay  
Title: MODIFIED CALYCINS  
Filing Date: November 8, 2001  
Date Recorded: August 7, 2002  
Computer: IBM NetVista  
Operating System: Windows 2000

Diskette Ref No: 9052.88  
Applicant: Findlay  
Title: MODIFIED CALYCINS  
Filing Date: November 8, 2001  
Date Recorded: August 7, 2002  
Computer: IBM NetVista  
Operating System: Windows 2000

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919-854-1401 MBS&S

NO. 3221 P. 34

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Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Title: *Modified Calcyins*

Confirmation No.: 9501  
Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

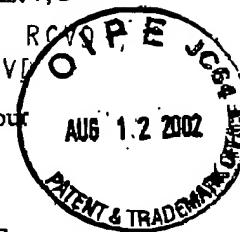
**Exhibit F**

Commissioner for Patents  
Washington, DC 20231

9052.88/KAM:vp  
August 7, 2002

08-21-02 10:01 RCVQPE  
08-21-02 10:01 RCVD

Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:  
Re: Findlay; S/N 09/913,522; Filed 11/8/01



**STATEMENT IN SUPPORT OF FILING A SUBSTITUTE  
SEQUENCE LISTING; SEQUENCE LISTING - HARDCOPY AND  
DISKETTE; COPY-NOTIFICATION OF DEFECTIVE  
RESPONSE**

Respectfully,  
MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
Attorneys for Applicant

DT17 Rec'd PCT/PTO 12 AUG 2002

Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Title: *Modified Calcyins*

Confirmation No.: 9501  
Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## Exhibit G

9052.88/KAM:vp  
October 24, 2002

Commissioner for Patents  
Washington, DC 20231

Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:  
Re: Findlay; Int'l App PCT/GB00/00517; S/N 09/913,522; Int'l Filing Date 02/17/00

**STATEMENT IN SUPPORT OF FILING A SUBSTITUTE  
SEQUENCE LISTING; SEQUENCE LISTING - HARDCOPY AND  
DISKETTE; COPY-NOTIFICATION OF DEFECTIVE  
RESPONSE**

Respectfully,  
**MYERS BIGEL SIBLEY & SAJOVEC, P.A.**  
Attorneys for Applicant

AV

Attorney Docket No. 9052-88

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay

U.S. Serial No.: 09/913,522

International Application No. PCT/GB00/00517

International Filing Date: February 17, 2000

For: *MODIFIED CALYCINS*

Group Art Unit: 1614

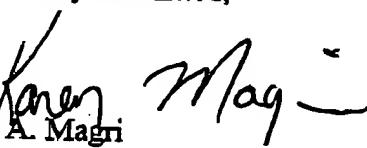
October 24, 2002

Commissioner for Patents  
Washington, DC 20231STATEMENT IN SUPPORT OF FILING A  
SUBSTITUTE SEQUENCE LISTING UNDER 37 CFR § 1.821(f)

Sir:

I hereby state that the content of the paper and computer readable copies of the Substitute Sequence listing, submitted concurrently herewith in accordance with 37 CFR§ 1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

Respectfully submitted,

  
Karen A. Magni

Registration No. 41,965

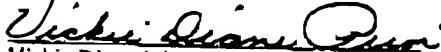


20792

PATENT TRADEMARK OFFICE

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on October 24, 2002.



Vickie Diane Prior

Date of Signature: October 24, 2002

DEC. 6. 2005 2:45PM

919-854-1401

MBS&S

Patent Application, Serial No. 3221  
Title: MODIFIED CALCYCLINS  
Appl. No.: 09/913,522  
Filing Date: Nov. 11, 2001  
Date Recorded: October 24, 2002  
Computer: IBM NetVista  
Operating System: Windows 2000

P. 43

Diskette Ref. No: 9052-88  
Applicants: Findlay, John  
Title: MODIFIED CALCYCLINS  
Appl. No.: 09/913,522  
Filing Date: Nov. 11, 2001  
Date Recorded: October 24, 2002  
Computer: IBM NetVista  
Operating System: Windows 2000

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Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Title: *Modified Calcyins*

Confirmation No.: 9501  
Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## Exhibit H

Commissioner for Patents  
Washington, DC 20231

9052.88/KAM:vp  
October 24, 2002

11-03-02A09:44 RCVD

Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:  
Re: Findlay; Int'l App PCT/GB00/00517; S/N 09/913,522; Int'l Filing 29 2002  
Date 02/17/00



**STATEMENT IN SUPPORT OF FILING A SUBSTITUTE  
SEQUENCE LISTING; SEQUENCE LISTING - HARDCOPY AND  
DISKETTE; COPY-NOTIFICATION OF DEFECTIVE  
RESPONSE**

Respectfully,  
**MYERS BIGEL SIBLEY & SAJOVEC, P.A.**  
Attorneys for Applicant

Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Title: *Modified Calcyins*

Confirmation No.: 9501  
Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Exhibit I**

EV 472534725 US

SCL:sef

9052-88

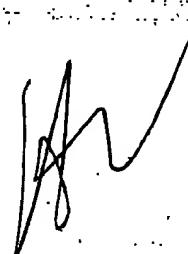
July 21, 2004

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:

Response Under 37 CFR §1.825(D) And Statement In Support Of Filing A Substitute Sequence Listing Under 37 CFR § 1.821(F); Copy-Notification of Defective Response; paper and computer readable copies of sequence listing; In re: Findlay; Serial No. 09/913,522; Filed February 17, 2000; For: MODIFIED CALYCINS

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC



Attorney Docket No. 9052-88

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
For: *MODIFIED CALYCINS*

Confirmation No. 9501  
Examiner: Deborah D. Williams  
Group Art Unit: 1614

July 21, 2004

Mail Stop Sequence  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE UNDER 37 CFR §1.825(d) AND STATEMENT IN SUPPORT OF  
FILING A SUBSTITUTE SEQUENCE LISTING UNDER 37 CFR § 1.821(f)**

Sir:

In response to the Notification of Defective Response ("Notification") dated June 22, 2004, attached are substitute paper and computer readable copies of the sequence listing for the above-identified application. The undersigned wishes to note that the Notification indicated that a CRF Diskette Problem Report ("CRFDPR") was attached. However, the CRFDPR was not received by the undersigned with the Notification. Telephone calls were placed to U.S. Patent and Trademark Office ("USPTO") employee Deborah D. Williams on June 28, July 12 and July 21, 2004, requesting a copy of the CRFDPR. However, as of the date of this submission, a copy of the CRFDPR has not been received. In view of the nonextendible deadline of July 22, 2004, the items being submitted herewith are identical to those items previously submitted on October 24, 2002. Should these documents not meet USPTO requirements, the undersigned respectfully requests the issuance of another Notification from the USPTO.

I hereby state that the content of the paper and computer readable copies of the substitute sequence listing, submitted in accordance with 37 CFR §1.821(c) and (e), are the same. I also hereby state as required by 37 CFR § 1.821(h) that the paper and computer readable copies contain no new matter, nor do they go beyond the disclosure of the application as filed.

In re: Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Page 2 of 2

It is not believed that any fee(s) are required for submission of this paper.  
However, any fees believed to be due in connection with this paper may be charged to  
our Deposit Account No. 50-0220.

Respectfully submitted,



Shawna Cannon Lemon  
Registration No. 53,888

**Customer Number 20792**

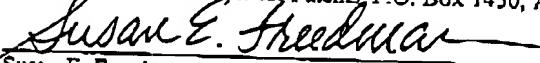
Myers Bigel Sibley & Sajovec, P.A.  
P.O. Box 37428, Raleigh, NC 27627  
919-854-1400  
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**CERTIFICATE OF EXPRESS MAILING**

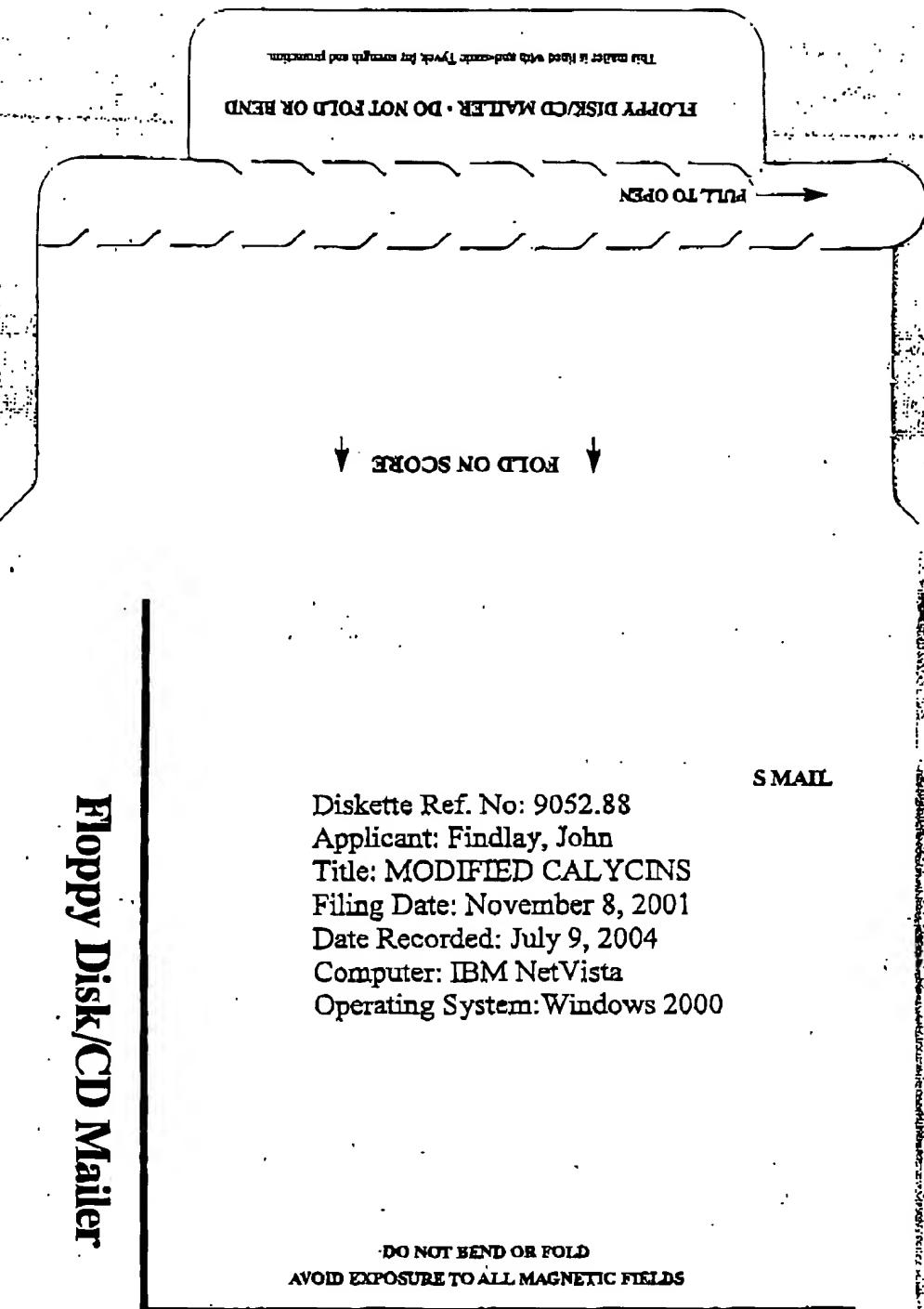
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Susan E. Freedman

Date of Signature: July 21, 2004



## SEQUENCE LISTING

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Attorney Docket No: 9052-88

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: John Findlay  
Serial No.: 09/913,522  
Filed: November 8, 2001  
Title: *Modified Calcyins*

Confirmation No.: 9501  
Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Exhibit J**

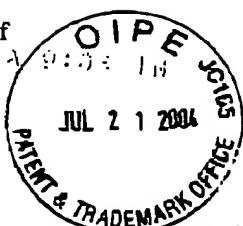
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July 21, 2004



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Response Under 37 CFR §1.825(D) And Statement In Support Of Filing A Substitute Sequence Listing Under 37 CFR § 1.821(F); Copy-Notification of Defective Response; paper and computer readable copies of sequence listing; In re: Findlay; Serial No. 09/913,522; Filed February 17, 2000; For: MODIFIED CALYCINS

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC

Attorney Docket No: 9052-88

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Examiner: Deborah Williams

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P.O. Box 1450  
Alexandria, VA 22313-1450

**Exhibit K**

SLC:clr

9052-88

January 31, 2005

Mail Stop RECONSTRUCTION  
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Sir: Kindly acknowledge receipt of the accompanying by placing your receiving date stamp hereon and mailing:

**Notice Under 37 CFR § 1.251 – Pending Application; Photocopy of U.S. Application No. 09/913,522; In re: John Findlay; Serial No. 09/913,522; Filed November 8, 2001; For: MODIFIED CALYCINS**

Respectfully submitted,  
**MYERS BIGEL SIBLEY & SAJOVEC**



*Do Not ...**TC 1600  
Maynard Stevens*

PTO-2053-B (Rev. 10/03)

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In re Application of:

John Findlay

Application No.:

09/913,522

Filing Date:

November 8, 2001

Title:

Modified Calycins

Direct to:

Mail Stop RECONSTRUCTION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

### **NOTICE UNDER 37 CFR 1.251 - Pending Application**

Statement (check the appropriate box):

The copy submitted with this reply is a complete and accurate copy of applicant's record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and applicant for the above-identified application that is not among applicant's records.

The copy of the paper(s) listed in the notice under 37 CFR 1.251 is/are a complete and accurate copy of applicant's record of such paper(s).

The papers produced by applicant are applicant's complete record of all of the correspondence between the Office and the applicant for the above-identified application (except for U.S. patent documents), and applicant is not aware of any correspondence between the Office and the applicant for the above-identified application that is not among applicant's records.

Applicant does not possess any record of the correspondence between the Office and the applicant for the above-identified application.

1/31/2005

Date



Shawna Cannon-Lemon, Registration No. 53,888  
 Typed or printed name

**A copy of this notice should be returned with the reply.**

**Burden Hour Statement:** This collection of information is required by 37 CFR 1.251. The information is used by the public to reply to a request for copies of correspondence between the applicant and the USPTO in order to reconstruct an application file. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 60 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Attorney Docket No: 9052-88

PATENTS

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Group Art Unit: 1614  
Examiner: Deborah Williams

PCT Legal Office  
Commissioner for Patents  
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**Exhibit L**

02-07-05 A09:07 SLC:clr IN

9052-88  
January 31, 2005

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November 8, 2001; For: MODIFIED CALYCINS**

Respectfully submitted,  
MYERS BIGEL SIBLEY & SAJOVEC

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